

**Minutes  
URBAN COUNTY PLANNING COMMISSION  
SUBDIVISION ITEMS**

**August 12, 2010**

- I. CALL TO ORDER** - The meeting was called to order at 1:34 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Carolyn Richardson, Chair; Mike Cravens, Vice Chair; Lynn Roche-Phillips; Marie Copeland; Derek Paulsen; Mike Owens; William Wilson (arrived at 1:38 PM); Eunice Beatty and Patrick Brewer (arrived at 1:43 PM). Ed Holmes was absent.

Planning Staff Present – Bill Sallee, Barbara Rackers, Tom Martin, Chris Taylor, Cheryl Gallt and Denise Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Captain Charles Bowen, Division of Fire & Emergency Services; Rochelle Boland, Department of Law; Jeff Neal, Traffic Engineering; and Steve Harrod and Mark Newberg, Division of Building Inspection.

Planning Commission Comments – The Chair stated that the Commission members would like to officially welcome their newest member, Eunice Beatty.

- II. APPROVAL OF MINUTES** – The Chair reminded the members that the prior Planning Commission meeting minutes of July 22, 2010, had been previously distributed to the Commission, and were ready to be considered at this time

Action - A motion was made by Mr. Owens, seconded by Mr. Cravens and carried 7-0 (Brewer, Holmes and Wilson absent) to approve the minutes of the July 22, 2010, meeting.

*Note: Mr. Wilson arrived at the meeting at this time.*

- III. POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

- a. PLAN 2010-13P: FAIRWAY LANDS, UNIT 11 (8/12/10)\* - located at 350 Henry Clay Boulevard.  
(Council District 5) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2010-13P to the October 14, 2010, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Mr. Wilson, and carried 8-0 (Brewer and Holmes absent) to postpone PLAN 2010-13P to the October 14, 2010, Planning Commission meeting.

- b. DP 2010-15: GESS PROPERTY, UNIT 8 (8/12/10)\* - located at 840 Hays Boulevard and 4115 Sperling Drive (a portion of).  
(Council District 7) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of DP 2010-15 to the September 9, 2010, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Owens, seconded by Mr. Paulsen, and carried 8-0 (Brewer and Holmes absent) to postpone of DP 2010-15 to the September 9, 2010, Planning Commission meeting.

- c. DP 2006-65: BLACKFORD PROPERTY, PHASES 1 & 2 (AMD.) (8/12/10)\* – located at 6600 Man O' War Boulevard (a portion of).  
(Council District 12) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of DP 2006-65 to the September 9, 2010, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Owens, seconded by Mr. Cravens, and carried 8-0 (Brewer and Holmes absent) to postpone DP 2006-65 to the September 9, 2010, Planning Commission meeting.

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\* - Denotes date by which Commission must either approve or disapprove plan.

- d. PLAN 2010-73F: CADENTOWN-FLAT ROCK REALTY, LLC (9/30/10)\* - located at 752 Caden Lane.  
(Council District 6) **(Foster – Roland, Inc.)**

Representation – Myke Robbins, Foster – Roland, Inc., was present representing the applicant. He requested postponement of PLAN 2010-73F to the September 9, 2010, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Mr. Paulsen, and carried 8-0 (Brewer and Holmes absent) to postpone PLAN 2010-73F to the September 9, 2010, Planning Commission meeting.

*Note: Mr. Brewer arrived at the meeting at this time.*

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, August 5, 2010, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Carolyn Richardson, Eunice Beatty and Derek Paulsen. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Galt, Chris Taylor, Denise Bullock, Traci Wade, Jim Marx and Barbara Rackers, as well as Captain Charles Bowen and Firefighter Allen Case, Division of Fire & Emergency Services; and Bob Carpenter and Steven Harrod, Division of Building Inspection. The Committee made recommendations on plans as noted.

*General Notes*

*The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.*

- 1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
- 2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- A. CONSENT AGENDA - NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

**Criteria:**

- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
- (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
- (3) no discussion of the item is desired by the Commission; and
- (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
- (5) the matter does not involve a waiver of the Land Subdivision Regulations.

**Requests can be made to remove items from the Consent Agenda:**

- (1) due to prior postponements and withdrawals,
- (2) from the Planning Commission,
- (3) from the audience, and
- (4) from Petitioners and their representatives.

At this time, The Chair requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of many of these items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2010-71F: SHARKEY PROPERTY, UNIT 1, LOT 1 (AMD) (9/30/10)\* - located at 1700-1736 Sharkey Way.  
(Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to subdivide one lot into two lots

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote the street frontage.
8. Resolve the timing of the removal of access to Lot 1 per the certified DP 2005-21.
9. Denote: No Certificate of Occupancy shall be issued until the concrete apron and access point to Lot 1 has been removed.

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2. PLAN 2010-72F: MAHAN PROPERTY (AMD #2) (9/30/10)\* - located at 4057 Mooncoin Way, and 4127 and 4205 Victoria Way. (Council District 9) **(EA Partners)**

Note: The purpose of this amendment is to remove the non-building restrictions; to delete note #9; to dedicate the right-of-way for Victoria Way, Bradford Colony Drive and Mooncoin Way; to create Lot 1-B and to create Lot 53.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote all easements on Lot 1-B, as required per Article 5-2(d)(4).

3. PLAN 2005-269F: GESS PROPERTY (CHILESBURG) UNIT 2-D (10/26/10)\* – located on portions of 400, 480, 700, 750 and 950 Chilesburg Road. (Council District 7) **(EA Partners)**

Note: The Planning Commission originally approved this plan on October 13, 2005, subject to the conditions listed below, as well as making a recommendation to monitor the USGS data with regard to runoff.

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Approval of street addresses by e911 staff.
6. Urban Forester's approval of tree preservation plan.
7. Greenspace Planner's approval of the treatment of greenways/bike trails.
8. Environmental Planner's approval of environmentally sensitive areas.
9. Solid Waste's approval of notes regarding refuse collection.
10. Addition of exaction information.

Note: The applicant now requests reapproval of the plan, subject to the previous conditions.

The Subdivision Committee Recommended: Reapproval, subject to the conditions previously approved, with a recommendation to monitor the USGS data with regard to runoff.

4. PLAN 2006-220F: GESS PROPERTY, UNIT 2-E (CHILESBURG) (10/26/10)\* – located off Hays Boulevard. (Council District 7) **(EA Partners)**

Note: The Planning Commission originally approved this plan on October 12, 2006, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street addressing by e911 staff.
5. Urban Forester's approval of tree preservation areas.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Complete exaction information to the approval of the Division of Planning.
8. Greenspace Planner's approval of the treatment of greenways, bike trails and pedestrian movement.
9. Correct and label access cross-sections.
10. Clarify the connections of greenspace area.

Note: The applicant now requests reapproval of the plan, subject to the previous conditions.

The Subdivision Committee Recommended: Reapproval, subject to the conditions previously approved.

5. PLAN 2006-222F: GESS PROPERTY, UNIT 2-G (CHILESBURG) (10/26/10)\* – located off Hays Boulevard. (Council District 7) **(EA Partners)**

Note: The Planning Commission originally approved this plan on October 12, 2006, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street addressing by e911 staff.

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5. Urban Forester's approval of tree preservation areas.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Complete exaction information to the approval of the Division of Planning.
8. Greenspace Planner's approval of the treatment of greenways, bike trails and pedestrian movement.
9. Correct and label access cross-sections.
10. Division of Fire's approval of emergency access easement (show location on the plan).

Note: The applicant now requests reapproval of the plan, subject to the previous conditions.

The Subdivision Committee Recommended: Reapproval, subject to the conditions previously approved.

6. PLAN 2007-239F: GESS PROPERTY, UNIT 6-A (10/26/10)\* - located on William Way (a portion of).  
(Council District 7) **(EA Partners)**

Note: The Planning Commission originally approved this plan on December 12, 2007, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscape buffering and required street tree information.
4. Approval of street addressing by e911 staff.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. United States Postal Service (USPS) approval of mailbox locations.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Correct cul-de-sac and "F-F" street cross-sections.
10. Addition of required exaction information.
11. Label and indicate purpose of homeowners' association.
12. Addition of homeowners' association maintenance note.
13. Addition of adjoining property information (Units 4-G, 4-E and 5-A).
14. Applicant shall document either evidence of a Section 404 Water Quality Permit and relief from the Corps of Engineers "Cease and Desist" Order for this Unit or sufficient evidence that this Unit does not require a Section 404 Water Quality Permit, prior to certification.

Note: The applicant now requests reapproval of the plan, subject to the previous conditions.

The Subdivision Committee Recommended: Reapproval, subject to the conditions previously approved.

7. PLAN 2007-241F: GESS PROPERTY, UNIT 6-C (10/26/10)\* - located on William Way (a portion of).  
(Council District 7) **(EA Partners)**

Note: The Planning Commission originally approved this plan on December 12, 2007, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscape buffering and required street tree information.
4. Approval of street addressing by e911 staff.
5. United States Postal Service (USPS) approval of mailbox locations.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct street cross-sections.
9. Addition of required exaction information.
10. Recordation of Gess Property, Unit 6-B, prior to certification.

Note: The applicant now requests reapproval of the plan, subject to the previous conditions.

The Subdivision Committee Recommended: Reapproval, subject to the conditions previously approved.

8. PLAN 2007-176F: GESS PROPERTY, UNIT 4-H (11/4/10)\* - located on Jouett Creek Drive.  
(Council District 7) **(EA Partners)**

Note: The Planning Commission originally approved this plan on September 13, 2007, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street names by e911 staff.
5. Urban Forester's approval of tree preservation plan.

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6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of homeowners' maintenance note.
8. Verify frontage for lot 49.
9. Resolve certification of PLAN 2005-277F: GESS PROPERTY, UNIT 4-G.

Note: The applicant now requests reapproval of the plan, subject to the previous conditions.

The Staff Recommends: Reapproval, subject to the conditions previously approved.

9. DP 2010-26: GRIFFIN GATE OFFICE PARK (AMD) (8/12/10)\*- located at 1460 Newtown Pike.  
(Council District 2) **(Wheat and Ladenburger)**

Note: The Planning Commission postponed this plan at its June 10, 2010 and July 8, 2010, meetings.

Note: The purpose of this amendment is to add 923 square feet of buildable area and a new access point.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Building Inspection's approval of landscaping and landscape buffers.
  4. Approval of street addresses as per e911 staff.
  5. Urban Forester's approval of tree protection plan.
  6. Division of Fire's approval of emergency access and fire hydrant locations.
  7. Division of Waste Management's approval of refuse collection.
  8. Addition of Final Record Plat information for property.
  9. Addition of building, lot coverage and floor area information to site statistics.
  10. Addition of utility easements.
  11. Addition of information from the certified development plan (DP 2008-16).
  12. Denote Board of Adjustment approval of a variance to the side yard setback, or revise "Area B" to meet side yard setback requirement.
  13. Denote construction access location.
  14. Denote storm water detention area for this development.
10. DP 2010-40: GARDENSIDE CABANA CLUB (PARKSIDE DEVELOPMENT) (AMD) (9/30/10)\* - located at 1060 Cross Keys Road. (Council District 11) **(Kleingers & Associates)**

Note: The purpose of this amendment is to depict the redevelopment of the site for office and residential uses.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Building Inspection's approval of landscaping and landscape buffers.
  4. Addressing Office's approval of street names and addresses.
  5. Urban Forester's approval of tree protection plan.
  6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
  7. Division of Fire's approval of emergency access and fire hydrant locations.
  8. Division of Waste Management's approval of refuse collection.
  9. Correct plan title.
  10. Correct 20' building line.
  11. Denote construction access location.
  12. Denote storm water detention area on plan.
  13. Denote tree protection area(s).
  14. Denote existing and proposed easements.
  15. Clarify vicinity map.
  16. Identify lot coverage, floor area ratio and open space in site statistics.
  17. Delete "12' setback" information.
  18. Addition of street cross-sections.
  19. Complete and clarify building and courtyard dimensions.
  20. Denote timing of the demolition of existing facility.
11. DP 2010-41: BEAUMONT FARM, UNIT 1, SECTION 5, LOT 1-A (9/30/10)\* - located at 940 Midnight Pass.  
(Council District 10) **(Banks Engineering)**

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.

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3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Addition of adjacent property information to include bearings and distances.
10. Revise construction access location (to public street).
11. Addition of building dimensions including height of drive-through canopy clearance.
12. Denote zone-to-zone screening buffer widths on plan (5' or 15').
13. Correct plan title (Lot 1-A).

12. DP 2010-29: REDCOACH OF LEXINGTON (AMD #12) (10/24/10)\* - located at 3461 Redcoach Trail.  
(Council District 4) **(Foster – Roland, Inc.)**

Note: The Planning Commission originally approved this plan on June 10, 2010, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Correct purpose of amendment note.
9. Correct plan designation (delete "minor" amendment reference).
10. Correct parking statistics (1.5 per unit, required).
11. Addition of owner and developer information.
12. Addition of the tree preservation plan (TPP) and required tree canopy.
13. Relocate units to comply with the 20' (perimeter) setback requirement (from park).
14. Revise note #5 to the approval of the Division of Engineering.
15. Revise open space calculation to delete pavement areas.
16. Denote adjacent property owner to the south on plan.
17. Denote construction access location.
18. Document compliance with the Planned Neighborhood Residential (R-3) floor area and lot coverage requirement for proposed units.
19. Resolve building and easement conflict.

Note: The applicant has requested a continued discussion to decrease the number of units, and to change the access points to a private access easement.

The Subdivision Committee Recommended: Approval, subject to the following revised recommendations:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Correct purpose of amendment note.
9. ~~Correct plan designation (delete "minor" amendment reference).~~
10. ~~Correct parking statistics (1.5 per unit, required).~~
9. 11. Addition of owner and developer information.
10. 12. Addition of the tree preservation plan (TPP) and required tree canopy.
11. 13. Relocate units to comply with the 20' (perimeter) setback requirement (from park).
12. 14. Revise note #5 to the approval of the Division of Engineering.
13. 15. Revise open space calculation to delete pavement areas.
14. 16. Denote adjacent property owner to the south on plan.
15. 17. Denote construction access location.
16. 18. ~~Document compliance with the Planned Neighborhood Residential (R-3) floor area and lot coverage requirement for proposed units.~~
16. 19. Resolve building and easement conflict.

In conclusion, Mr. Sallee said that these items listed on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from the Consent Agenda for discussion.

Planning Commission Comment – The Chair asked if anyone in the audience or on the Commission wished to discuss any of the items listed on the Consent Agenda. Ms. Copeland requested that DP 2010-26 be removed from the Consent Agenda for

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further discussion by the Commission. Mr. Owens requested that PLAN 2005-269F also be removed from the Consent Agenda for further discussion by the Commission.

Action - A motion was made by Ms. Copeland, seconded by Mr. Brewer and carried 9-0 (Holmes absent) to approve the remaining items listed on the Consent Agenda.

- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for consideration of these remaining plans is as follows:

- Staff Report(s)
- Petitioner's Report(s)
- Citizen Comments – (a) in support of the request, and (b) in opposition to the request
- Rebuttal – (a) petitioner's comments, (b) citizen comments, and (c) staff comments
- Commission discusses and/or votes on the plan

# **1. FINAL SUBDIVISION PLANS**

- a. PLAN 2005-269F: GESS PROPERTY (CHILESBURG) UNIT 2-D (10/26/10)\* – located on portions of 400, 480, 700, 750 and 950 Chilesburg Road. (Council District 7) **(EA Partners)**

Note: The Planning Commission originally approved this plan on October 13, 2005, with a recommendation of approval subject to the conditions listed below, as well as making a recommendation to monitor the USGS data with regard to runoff.

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Approval of street addresses by e911 staff.
6. Urban Forester's approval of tree preservation plan.
7. Greenspace Planner's approval of the treatment of greenways/bike trails.
8. Environmental Planner's approval of environmentally sensitive areas.
9. Solid Waste's approval of notes regarding refuse collection.
10. Addition of exaction information.

Note: The applicant now requests reapproval of the plan, subject to the previous conditions.

The Subdivision Committee Recommended: Reapproval, subject to the conditions previously approved, with a recommendation to monitor the USGS data with regard to runoff.

Staff Presentation – Mr. Martin directed the Commission's attention to a rendering of the final record plat for the property, which is located along Chilesburg Road. He oriented the Commission to the surrounding area, and to the street system within the general vicinity. He noted that the most recent zone change in this area was for the Anderson Property that runs adjacent to Jacobson Park. He said that for this particular request, the property is located just off Castle Bridge Lane, and noted that this section has not been recorded as of yet.

Mr. Martin said that the Planning Commission originally approved this request on October 13, 2005, subject to the conditions listed on the agenda. He then said that the Subdivision Committee had reviewed the applicants' request at their August 5, 2010, Subdivision Committee meeting, and recommended reapproval of this plat, subject to the same conditions as before.

Planning Commission Questions – Mr. Owens asked, in regard to FEMA floodplain and water quality issues, if all the necessary permits for this request been obtained. Mr. Martin replied affirmatively. Mr. Owens then asked for a brief explanation of the recommendation to "monitor the USGS data with regard to runoff" – i.e. what is being monitored and who is doing the monitoring. Mr. Martin referenced the overall rendering, and said that this area is part of the regional stormwater drainage system, and there has been concern with the stormwater and the flooding in this area. He then said that as part of the Stormwater Management Plan, there are permanent pools and retention basins throughout this area; and for this particular request, the concern was with the water flow below Chilesburg Road. He noted that there is a flow and stage monitoring gauge within the floodplain area, and this gauge measures the water flow and the water stage; it does not measure precipitation. Mr. Martin then said that this gauge is not monitored on a regular basis, although it is periodically checked by the Division of Engineering. He noted that this gauge is not part of an ongoing program at this time; however, the information received from it can be located on the United States Geological Survey (USGS) website. He said that one of the problems with utilizing the data from the gauge is the correlation of the information retrieved with one particular rain event. Since there is no rain gauge associated with this

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area, the process of obtaining the information is time-consuming and it would be a difficult process to draw any conclusions from the data.

Ms. Copeland said that in a previous meeting the Commission was shown an exhibit depicting the gauge at Jacobson Park, and it was noted that at that time the gauge was not working. She asked if this is the same gauge that is needed to obtain the data. Mr. Martin replied no, and said that that gauge is monitored by the LFUCG and it currently is not functioning. Ms. Copeland then asked if the Jacobson Park gauge was functioning, if it would help in obtaining the appropriate data needed. Mr. Martin referred the question to the Division of Engineering.

Mr. Owens commented that as part of the recommendation of reapproval, there is also a recommendation to monitor the USGS data; but it seems that once the data is collected, no one knows what to do with it. Mr. Martin said that unless the data is studied and correlated over a period of time, drawing meaningful conclusions would be difficult. Mr. Newman said that the gauge downstream of the pond was installed as a cooperative effort between the LFUCG and the USGS to collect the data so it could then be used for various purposes. He then said that that gauge was not intended to be used as part of the Stormwater Management Plan for the EAMP. The design of the stormwater management areas incorporated models that did not utilize the type of data that these gauges track. He said that if enough data were to be collected over a period of years, and if extensive statistical analysis were conducted, there could be some correlation between the two; but this would take a fair amount of work and expense.

Ms. Roche-Phillips said that in order to measure the runoff the only data needed to be studied in a rain event is the water flow. Mr. Newman said that the rainfall distribution must also be taken into consideration. He then said that the statistical storm data is derived from how much rain occurs over a period of time, and there is an unlikely chance that one storm event will match another.

Ms. Copeland asked if the Stormwater Management Plan was prior to the EPA mandate. Mr. Newman said that the Stormwater Management Plan was to define the regional stormwater management for the quality and quantity in the EAMP area.

Ms. Roche-Phillips asked why there is a recommendation to monitor the USGS data with regard to runoff when no one knows what to do with the data. Mr. Newman could not answer why that condition was added to the recommendations. He added that the USGS gauging system has a proposal to create a county-wide Storm Water Management Model (SWMM) that would reflect a continuous simulation of the events versus any one single event. This information would be managed through the Division of Water Quality.

Mr. Owens asked if the additional condition was attached to the original approval. Mr. Martin said that the additional recommendation was attached to the original approval. Mr. Owens then asked when the Planning Commission originally approved this request. Mr. Martin said that the Planning Commission first approved this request on October 13, 2005. He said that the added recommendation was generated from a long discussion concerning flooding and stormwater issues. Mr. Sallee added that, in reviewing the October 13, 2005, minutes, there was a lengthy discussion among the applicant's engineer, nearby property owner and the staff. He said that, at the end of that discussion, it was suggested that this station be monitored as part of the conditions for approval. Mr. Owens said that it is bothersome that after 5 years of monitoring this gauge, there should be some historical data provided, and non is available. He then said that either this gauge has been monitored or it has not; and if it was monitored, no one knows what to do with the information gathered.

Mr. Brewer said that the wording of the added recommendation is problematic. He then said that the issue of flooding for this area has been discussed several times, and the Commission needs to make a definitive recommendation to monitor the flooding versus the vague recommendation previously noted.

Ms. Roche-Phillips agreed with Mr. Brewer; however, she said that this area was designed for a particular stormwater detention program long before this request was brought to the Commission for approval. She then said that this is part of a larger network, and to place the added condition to this request is moot.

Mr. Brewer said that the objective is to determine whether or not this development has increased the flooding in this area. He asked if the wording in this recommendation should be changed to provide more of an impact or if it should be left as is. He said that there has been more than enough concern from the nearby property owner, who has made it clear about the increased flooding on his property and in this area. He then said that the Commission should understand what their options are on this issue.

Mr. Newman said that there is a defined FEMA floodplain within this area, and it reaches from the Jacobson Park area to the Gess Property. He said that this area was first considered a "Zone A," which means a detailed studied of the area has not been completed. However, portions of the Gess Property have been studied and there is a Conditional Letter of Map Revision (CLOMR) to refine the floodplain area and limits. He said that this information does define the conditions of the pre-and post-development situation for this area. He then said that there is an existing creek on this land, and there has always been a floodplain in the area.

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Mr. Brewer said that the recommendation to monitor the USGS data with regard to the runoff had to have some type of objective, and it seems that this area should have been monitored to see if development has increased the floodplain area. He then said that the language of the recommendation should have been more definitively as to what the objective was to be. To reapprove this request with this language as it reads is moot. He asked if the Commission should change the language or move this request along. Mr. Newman said that the USGS data is reviewed periodically, and the information is accessible to the public on the USGS website. He then said that the USGS data cannot be correlated to the design criteria for either the Expansion Area Master Plan or the Stormwater Management Plan.

Ms. Copeland asked for a brief explanation of the Storm Water Management Model (SWMM), and whether or not that information is attainable. Mr. Newman said that that project is being managed through the Division of Water Quality; and due to funding limitations, it has not progressed as it was hoped over the years. He then said that the Storm Water Management Model (SWMM) is based upon data taken from a continuous simulation of a rain event versus using the traditional Hydrologic Engineering Center – River Analysis System (HEC-RAS) for a single rain event.

Mr. Cravens asked if the Division of Engineering is comfortable with leaving the additional language as it is noted on the recommendation, adding that, as part of the original approval, this language was added as a compromise, and asked if it would hurt to leave it as is. Mr. Newman replied that there would not be any objections to leaving the original recommendation as is.

The Chair asked if there was further information to bring forward on this issue. Mr. Sallee said that in reviewing the 2005 minutes, the applicant's engineer at that time had offered to monitor the gauging system. He then said that the applicant's current representative has not yet spoken as to whether or not they are monitoring this gauge.

Mr. Owens asked who should be monitoring this gauging system. Mr. Sallee said that was not identified in the minutes. Mr. Owens asked if either the staff or legal counsel could make a recommendation to improve that language, considering no one has monitored this area in 5 years. Mr. Sallee said that there was testimony today from the Division of Engineering stating that the gauge is being monitored, and that they are agreeable to continuing to monitor this system. He then said that that the Planning Commission can assign who should monitor this gauge, but that it is most unusual for the Commission to approve an engineer's plat, but assign conditions for that plat to the staff.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He noted that the applicant was previously represented by Jerry VanderWier, and his firm has just recently taken over this project. He said that they believed the reason why these were not recorded was due to the 404 Permit, which they have since then obtained. He then said that they have no further information on the added condition or the reasoning behind it.

Mr. Kahly requested reapproval of this request, subject to the conditions listed on the agenda, striking the remaining language regarding monitoring the USGS data with regard to runoff.

Planning Commission Questions – Ms. Roche-Phillips asked if there have been any regulatory changes, such as the Consent Decree, that would impact this area and the design of the development. Mr. Martin said that the FEMA maps were recently updated and the applicant would need to address that change in the plans. Ms. Roche-Phillips then asked if the Letter of Map Revision (LOMR) would impact the design of these lots. Mr. Martin replied that it would not. He said that there is an extensive greenway in this area and this is where the floodplain is located.

Mr. Owens asked if the data gathered from Unit 2-D would impact the results for Units 2-G and 2-F. Mr. Martin said that there was a lot of discussion concerning the gauge and this language was placed upon this request as a compromise. He noted that Units 2-D, 2-G and 2-F are on the same drainage system.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Mr. Paulsen, and carried 6-3 (Brewer, Copeland and Owens opposed; Beatty abstained and Holmes absent) to reapprove PLAN 2005-269F, subject to the recommendations previously listed.

- b. PLAN 2006-221F: GESS PROPERTY, UNIT 2-F (CHILESBURG) (11/4/10)\* – located off Hays Boulevard.  
(Council District 7) **(EA Partners)**

Note: The Planning Commission originally approved this plan on October 12, 2006, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street addressing by e911 staff.
5. Urban Forester's approval of tree preservation areas.

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6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Complete exaction information to the approval of the Division of Planning.
8. Greenspace Planner's approval of the treatment of greenways, bike trails and pedestrian movement.
9. Correct and label access cross-sections.
10. Recordation of consolidation plat for lot 77L prior to plan certification.

Note: The applicant now requests reapproval of the plan, subject to the previous conditions.

The Staff will report at the meeting.

Staff Presentation – Mr. Martin directed the Commission's attention to a rendering of the final record plat for the Gess Property, which is located on Hays Boulevard. He oriented the Commission to the overall area, as well as to the greenway area. He said that Unit 2-F is immediately upstream from Unit 2-D. He then said that the individual lots on Unit 2-F have been recorded, but the greenway area has not. He noted that the greenway area is part of the storm water management area, as well. He said that the LFUCG has concerns in accepting this greenway due to maintenance concerns, which is why the applicant is requesting reapproval.

Mr. Martin stated that this item was filed after the Subdivision Committee meeting; therefore, the Committee members could not make a recommendation. He said that due to the date of the original approval, this item had to come before the Commission for their approval. He then said that the applicant is requesting reapproval of this section, subject to the previous conditions listed on the agenda. He noted that there is no recommendation to monitor the USGS data with regard to runoff for this section.

Planning Commission Question – Ms. Copeland said that if this section is reapproved, then the LFUCG becomes the primary entity for providing maintenance. Mr. Martin replied that that was not the case, and that the City will not take over the maintenance of the greenway until this section is recorded and transferred over to them. He said that if the Commission should reapprove this request, it will allow the applicant to record this section of Unit 2-F; at that time the LFUCG wants to assume responsibility. Ms. Copeland asked if the LFUCG could decline the responsibility until they are ready. Mr. Martin replied affirmatively.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He said that they are in agreement with the staff's recommendations, and requested reapproval.

Planning Commission Questions – Mr. Owens asked why this item is older than the others. Mr. Kahly said that the applicant was previously represented by Jerry VanderWier, and when his firm took over responsibility of this area they had discovered that Unit 2-F was recorded, but at that time, the title block did not indicate Section 1. He said that, upon further review, they did not know there was a Section 2, which was greenway that needed to be reapproved.

Mr. Owens asked if this item was reviewed by the Technical Committee. Mr. Martin replied that this item has been through the process, and noted that this is a request for reapproval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Mr. Paulsen, and carried 8-0 (Copeland and Brewer opposed; Holmes absent) to reapprove PLAN 2006-221F, subject to the conditions previously listed.

## **2. DEVELOPMENT PLANS**

- a. DP 2010-26: GRIFFIN GATE OFFICE PARK (AMD) (8/12/10)\*- located at 1460 Newtown Pike.  
(Council District 2) **(Wheat and Ladenburger)**

Note: The Planning Commission postponed this plan at its June 10, 2010 and July 8, 2010, meetings.

Note: The purpose of this amendment is to add 923 square feet of buildable area and a new access point.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Addition of Final Record Plat information for property.

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9. Addition of building, lot coverage and floor area information to site statistics.
10. Addition of utility easements.
11. Addition of information from the certified development plan (DP 2008-16).
12. Denote Board of Adjustment approval of a variance to the side yard setback, or revise "Area B" to meet side yard setback requirement.
13. Denote construction access location.
14. Denote storm water detention area for this development.

Staff Presentation – Mr. Martin directed the Commission's attention to a rendering of the amended final development plan for property located at 1460 Newtown Pike. He oriented the Commission to the surrounding area, and said that the subject property is located at the intersection of Citation Boulevard and Newtown Pike. He then said that the Red Cross Center is within the same commercial area; Cold Stream Park is directly across from the site and the Marriot Griffin Gate is toward the interstate. He noted that the Commission had previously approved the Rite Aid development that is adjacent to this site.

Mr. Martin said that this amendment is a request from the Better Business Bureau. He explained that this building is a 2-story structure with a basement, and the applicant is requesting approval for an enclosed patio to the rear. He illustrated the associated parking and access into the site, and said that the applicant is proposing an additional "right-in" and "right-out" only access on Citation Boulevard. Mr. Martin said that during the Technical Review meeting, the Committee had noted their concerns with the location of the access, as well as their concerns with the grading in this area. He noted that the access point can be changed to accommodate the grading issues in this area. He said that there will be a median provided to help prevent vehicles from making a left into the site. He then said that currently the only access into the site is from Olivia Lane. The problem with this area is traffic crossing through the adjacent property to gain access to Sugar Maple, where a signalized light is located. He said that the proposed "right-in" and "right-out" will help improve the function of this area.

Mr. Martin stated that the Subdivision Committee reviewed the applicant's request and voiced their concerns with the easement along the rear property line. He said that in the staff's research, the easement in question is actually located on the adjacent property and the only easement found on the subject site is a utility easement along Citation Boulevard.

In conclusion, Mr. Martin then stated that the Subdivision Committee had recommended approval of the applicant's request, subject to the conditions listed on the agenda. He said that, prior to certification of this plan the applicant will need approval from the Board of Adjustment for a variance to the side yard setback, as indicated on condition number 12.

Planning Commission Question – Mr. Brewer said that it was indicated that this proposal will help the Red Cross Meals on Wheels Program, and asked if there is a signalized light on Citation Boulevard. Mr. Martin said that there is a fully functioning light at the intersection of Citation Boulevard and Newtown Pike.

Ms. Roche-Phillips said that this is a triple frontage lot, and asked if the pending variance is to the side yard along the rear. Mr. Martin said that the entire property has three frontages. He said that the variance being requested is only for the rear property line. Mr. Sallee said that the variance is due to the adjoining property being zoned A-U (Agricultural Urban), as there is a provision within the Zoning Ordinance that states when a development abuts a more restricted zone the setback is required to be that of the more restrictive zone, which, in this case, is 25 feet. Mr. Martin said that the applicant is requesting a variance from 25 to 0 feet. Ms. Roche-Phillips asked how far back is from the building to the property line. Mr. Martin said that the building is about 20 to 25 feet from the property line. Mr. Sallee said that the construction of the building pre-dated the golf course. Ms. Roche-Phillips asked if this will make a noncompliant issue worse. Mr. Martin said that this is the reason for the variance request from the Board of Adjustment.

Mr. Owens asked if the patio area extends to the property line. Mr. Martin said that if the patio is not on the property line, it is very close to it. Mr. Owens asked if the patio would need a variance, as well. Mr. Martin said that the one variance request is sufficient for both concerns. Mr. Sallee said that if the patio were a deck, then a second variance would be required; but since the patio is not a deck and is at-grade, the additional variance is not required. He noted that a deck higher than 3 feet above grade would need a variance.

Ms. Roche-Phillips confirmed that the addition is at grade and it abuts the side yard. Mr. Martin replied affirmatively, and said that as the patio nears Olivia Lane it does rise in elevation.

Mr. Brewer asked if this approval will make a noncompliant situation worse. Mr. Martin said that the patio addition does not comply and a variance will be required. He said that this building pre-dates the golf course and current requirements.

Mr. Owens asked if the patio enclosure was permitted through Building Inspection. Mr. Martin said that it is the staff's understanding that the enclosure was not permitted, but that would need to be verified through Building Inspection or the applicant.

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Ms. Copeland asked if this is a commercial building, and if a commercial builder was involved in the construction of patio. Mr. Martin said that that would need to be verified through the applicant. Ms. Copeland asked if the staff had visited the site; and, if so, were photographs taken for the Commission to view. Mr. Martin provided a series of photographs to the Commission, and gave a brief summary of each. (A copy of these photographs is attached as an appendix to these minutes). Ms. Copeland asked if the building uses a double transformer. Mr. Martin replied affirmatively.

Representation – Mike Meuser, attorney; Roger Ladenburger, Landscape architect, Wheat and Ladenburger, and Neal King, Better Business Bureau were present representing the applicant. Mr. Meuser said that the property owner had hired a licensed contractor listed with the Better Business Bureau for their services to construct the patio enclosure. He then said that the contractor failed to obtain the necessary permits from Building Inspection. The property owner was not aware of this issue until they submitted their application for the proposed additional access off Citation Boulevard. He said that they are before the Commission in order to correct this mistake.

Mr. King (of the Better Business Bureau) said that there have been multiple accidents in this area, and this was the reason for the proposed access on Citation Boulevard. He said that when they submitted their application, they were informed of the problem with the enclosure. He then said that they did not necessarily want the enclosed patio; but with the Marriott Griffin Gate Golf Course, there was the potential danger of golf balls hitting the building and/or tenants. It was suggested that an enclosure be constructed for the tenants of the building. Mr. King said that they hired Champion Windows and Doors, who had donated their time and material to construct the enclosure. He said that they did not realize the contractor did not obtain the necessary permits for this structure. This issue resulted in the Better Business Bureau's policies being changed. He said that once they discovered the problem, they immediately asked what needed to be done to bring this issue into compliance.

Planning Commission Questions – Mr. Owens said that he appreciates the applicant coming forward to bring this structure into compliance, and asked what needs to be done at this point. Mr. King assured the Commission that they will do whatever is necessary to bring this into compliance. Steve Harrod, Building Inspection, said that their main concern is the encroachment into the side yard, and the fact that no permit was issued for the front or rear enclosures. Mr. Owens confirmed that there are two enclosures without permits. Mr. Harrod replied yes, and said that the front enclosure was installed without a permit, which now prevents the fire department access to the sprinklers connection. Mr. Owens then asked if the building itself is in compliance. Mr. Harrod said that it would be very easy to bring the front addition into compliance with the Kentucky Building Code. He then said that the rear addition has many direct violations to the Kentucky Building Code, which is the reason for the variance requests. The applicant would need a variance from the Office of Housing, Building and Construction for the glass wall, since it should be a solid wall with no openings.

Ms. Copeland asked how the front portion of the building is out of compliance. Mr. Harrod said that the applicant did not obtain a permit for the enclosure, and now the connection to the sprinkler system is not accessible. Captain Charles Bowen, Division of Fire & Emergency Services, said that the enclosure is preventing the connection to the sprinkler system, which is an overall public safety issue. He then said that a fire department connection cannot be enclosed, and the applicant will either need to move the connection or extend it out from the enclosed area.

Mr. Owens asked who constructed the front enclosure, and if there is a sprinkler system. Captain Bowen said that in speaking with Captain Scott Higgins, the front enclosure does need to have a sprinkler system installed, as does with the rear enclosure. He then said that the applicant is aware of this issue, and they have noted that this will be brought into compliance. Captain Bowen indicated that before he approves the applicant's request, they will need to move the connection, extend it out from the enclosed area, or remove the glass entirely. Mr. Owens asked if the Division of Fire & Emergency Services will be approving this request through their signoff. Captain Bowen replied affirmatively.

Mr. Meuser confirmed that they will need to move the connection, extend it out from the enclosed area, or remove the glass entirely.

Mr. Brewer asked if the Planning Commission is being asked to approve a variance for one or two non-compliant enclosures in order to rectify what the contractor had done. He said that it is clear that the Division of Fire & Emergency Services will not sign off on this request until the problem is fixed. He then asked if the Planning Commission is condoning what has happened if this is recommended for approval. Mr. Martin said that the Planning Commission is not condoning this problem, but rather recognizing the reality of the situation. He then said that the applicant intends to rectify the public safety concerns. The Planning Commission is being asked to approve this request with the stipulation that the rear addition is granted a variance from the Board of Adjustment.

Mr. Brewer then asked if Champion Windows & Doors is still certified by the Better Business Bureau. Mr. King said that Champion Windows and Doors is a franchise, and the owner of that franchise has changed since this enclosure was done. He said that it would be unfair to ask the new owner to take responsibility for what had happened with the old owner.

Ms. Copeland asked if a commercial property has to use a commercial contractor, and if the LFUCG recognizes and approves that contractor's license. Mr. Harrod replied affirmatively. Ms. Copeland then asked if Champion Windows & Doors was a commercial contractor approved by the LFUCG. Mr. Harrod replied that he could not say.

Ms. Roche-Phillips asked if the enclosed patio is the entire length of the building. Mr. Martin replied affirmatively, and pointed out the addition on the rendering. Ms. Roche-Phillips then asked if the raised patio is the length of the building. Mr. Martin said that the patio is at-grade until it reaches Olivia Lane, then it is elevated 3 feet.

In response to a previous question from Ms. Copeland, Mr. Harrod said that Champion Windows & Doors is registered with the City of Lexington, as a residential contractor only. Ms. Copeland said that Champion Windows & Doors should not have been working on the building at all. Mr. Harrod said that their registration should have been upgraded to commercial contractor.

Mr. Paulsen said that at this point it doesn't matter, Champion Windows and Doors made a mistake.

Mr. Owens said that the access to Citation Boulevard is needed, and asked if the enclosure can come into compliance with local and state ordinances at this point. Mr. Harrod said that if the variances are granted at both the local and state level, then yes. Mr. Owens then asked if a condition should be added to denote that the building additions need to come into compliance with both local and state ordinance. Mr. Martin said that 1) the Board of Adjustment will need to approve a variance to the side yard setback at its current location; 2) Building Inspection will enforce the regulations of the Kentucky Building Codes; and 3) the applicant will need a variance from the Office of Housing, Building and Construction. Mr. Owens then asked if an additional condition should be added to achieve what needs to be done. Mr. Martin said that that is a given under the Kentucky Building Code.

Ms. Roche-Phillips said that it is obvious that everyone is uncomfortable with these enclosures; but with regard to the access to Citation Boulevard, everyone is in agreement that it is needed. She asked if these two issues can be separated out from one another. Mr. Martin said that that is possible, but the Board of Adjustment will still need to grant the variance to the side yard setback prior to certification.

Mr. Brewer said that there is a bad situation on this site, and it is recognized that the applicant will need approval from the local and state levels. He asked how long it has been since these enclosures were built, and if there were fines attached to the building. Mr. Harrod said that he is not sure when these structures were built or if the applicant was cited. Mr. King said that the front enclosure was constructed in 2009, and the rear enclosure was built several ago. Mr. Brewer asked if the property owner was fined either by the City of Lexington or the State of Kentucky. Mr. King replied negatively, and said that this problem was discovered when they submitted their request. Mr. Brewer said that he appreciates the applicant coming forward to correct this mistake.

Mr. Cravens asked if the patio was not enclosed, if it would be in compliance. Mr. Harrod replied affirmatively. Mr. Cravens then asked if the access to Citation Boulevard has been built. Mr. Martin replied negatively. Mr. Cravens said that there are enough signoffs listed in the conditions for the Commission to approve this plan. He then said that the applicant will need the approval of a variance from both local and state levels, as well as Building Inspection approval. Mr. Martin said that this is a small amendment to the square footage, and all the major signoffs associated with a development plan are listed as conditions. Mr. Cravens said that if the applicant is not approved for the variance then they will need to remove the enclosure in order to be compliant.

Mr. Owens said that the access to Citation Boulevard is needed, and asked if Traffic Engineering had any thoughts regarding this development plan request. Jeff Neal, Traffic Engineering, said that the turning lane starts at the edge of the property line, and it will be a "right-in" and "right-out" only. Mr. Owens said that there is a storm water collection basin cut into the curb, and asked if this will cause a problem. Mr. Neal said that that would not be a problem. He said that the location of the access point can be moved if necessary. Mr. Owens asked if Traffic Engineering is comfortable with the high traffic movement at the proposed access point along Citation Boulevard. Mr. Neal said that the proposed location is not ideal, but it's better than no access at all.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Owens seconded by Ms. Roche-Phillips, and carried 8-1 (Copeland opposed; Holmes absent) to approve DP 2010-26, subject to the conditions listed by the staff, changing condition number 3 to read: "Building Inspection's approval of two additions, and landscaping and landscape buffers."

**C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action: A motion was made by Ms. Roche-Phillips, seconded by Mr. Owens, and carried 9-0 (Holmes absent) to approve the release and call of bonds as detailed in the memorandum dated August 12, 2010, from Ron St. Clair, Division of Engineering.

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VII. **COMMISSION ITEMS** - The Chair asked if anyone in the Commission wished to bring forward an issue to discuss. There was no response.

VIII. **STAFF ITEMS** –

A. **UPCOMING WORK SESSION** – Mr. Sallee reminded the Commission of the upcoming work session scheduled for August 19, 2010.

IX. **AUDIENCE ITEMS** – The Chair asked if anyone in the audience wished to come forward to discuss an issue with the Commission. There was no response.

X. **NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	August 19, 2010
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) .....	August 25, 2010
<b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	<b>August 26, 2010</b>
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) .....	September 2, 2010
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) .....	September 2, 2010
<b>Subdivision Items Public Meeting</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	<b>September 9, 2010</b>

IX. **ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 3:11 p.m.

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Carolyn Richardson, Chair

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Mike Owens, Secretary

SDB/CT/CG/TW//TM/WLS/BR